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Viewing cable 06MANAGUA1894, OAS EOM CHIEF FERNANDEZ AND AMBASSADOR DISCUSS

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Reference ID	Created	Released	Classification	Origin
06MANAGUA1894	2006-08-28 18:44	2011-08-30 01:44	CONFIDENTIAL	Embassy Managua

Appears in these articles:

<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758456.aspx>
<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758467.aspx>
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<http://www.nacion.com/2011-05-23/Mundo/Relacionados/Mundo2758764.aspx>
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<http://www.confidencial.com.ni/articulo/3968/pellas-pronostico-a-eeuu-victoria-de-ortega-en-2006>
<http://www.confidencial.com.ni/articulo/3967/barreto-era-ldquo-fuente-confiable-rdquo-para-eeuu>

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RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHINGTON DC
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C O N F I D E N T I A L MANAGUA 001894

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DEPARTMENT FOR WHA/CEN, WHA/USOAS

E.O. 12958: DECL: 08/28/2016
TAGS: [KDEM](#) [NU](#) [PGOV](#) [PINR](#) [PREL](#)
SUBJECT: OAS EOM CHIEF FERNANDEZ AND AMBASSADOR DISCUSS
ELECTION PREPARATIONS, NICARAGUA'S POLITICAL PANORAMA

REF: A. MANAGUA 1593 B. MANAGUA 1555

Classified By: Ambassador Paul A. Trivelli. Reasons 1.4 (B,D).1.

C) SUMMARY: Ambassador recently met with the OAS election observer mission (EOM) to assess preparations for Nicaragua's November 5 elections and discuss the country's volatile political climate. EOM mission leader Gustavo Fernandez expects the Supreme Electoral Commission (CSE) will release its electoral regulations the week of August 28. The OAS is confident the CSE will accredit both foreign and domestic observers. It will press the CSE to allow domestic poll watchers access to municipal, departmental, and regional election centers, where electoral challenges (impugnaciones) will be decided, on Election Day. Fernandez believes that a post-election political crisis is less likely now that both the Sandinista Front (FSLN) and the Liberal Constitutional Party (PLC) want to shelve the constitutional changes that would further erode presidential powers. END SUMMARY.

¶2. (C) Ambassador, DCM, PAO, USAID deputy, USAID elections coordinator, and polcouns met on August 24 with members of the OAS election observer mission (EOM) to assess preparations for Nicaragua's November 5 elections and discuss the country's volatile political climate. Points discussed follow.

OAS WILL NOT BOW TO FSLN ATTACKS
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¶3. (C) EOM leader Gustavo Fernandez acknowledged that FSLN candidate Daniel Ortega is increasingly antagonistic towards the OAS. While Ortega's personal and institutional attacks were uncalled for, Fernandez preferred not to respond in kind -- doing so would lower the OAS to Ortega's level, the media would distort the OAS response, and the public might perceive the OAS as another political player rather than a neutral observer. We suggested the OAS consider issuing a communique that clarifies the OAS mission here and reiterates its commitment to the Nicaraguan people.

EXPLAINING LOW TURNOUT FOR CEDULA APPLICATIONS
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¶4. (SBU) Fernandez was not surprised by the low turnout of applicants for the national/voter ID card (cedula) during the two-week extension period ending August 21 (8,600 new applications were submitted), noting the time was nonetheless useful because Nicaraguans could rectify problems with lost cedula (11,000 replacement requests were made). According to Fernandez, who met with the Movimiento por Nicaragua (MpN)

leaders on August 23, the MpN study on cedula issuance was flawed and partially misleading. He argued that the MpN had inflated the numbers by combining 140,000 cedula that have been languishing in CSE offices since 1997 (no longer valid in his view) with 185,000 more recently issued cedula that have not been retrieved. Additionally, some Nicaraguans are simply not interested in obtaining their cedula or voting.

15. (U) Comment: According to a recent IPADE survey, 40% of the high school respondents had not applied for cedula because they do not have birth certificates, which could partially explain the low turnout during the two-week cedula application period and previously. In a press conference on August 24, the MpN countered CSE assertions that the grace period was largely a loss of resources, noting that ensuring that 20,000 additional Nicaraguans will be able to exercise their right to vote is worth the cost. End Comment.

DOMESTIC OBSERVER ACCESS

16. (C) Responding to our concern over apparent delays in accreditation of domestic observers, lack of access to computation centers (thus far, ET has received 411 accreditations out of 6,990 submitted), Fernandez replied that the CSE is proceeding in accrediting domestic observers, department by department. He acknowledged that the CSE has been unwilling to date to allow domestic observers in the national vote computation center. His team will investigate domestic access to regional and national computation centers and suggest international and domestic observers rotate through these sites to increase access.

UPDATING PARTY POLL WATCHER MANUALS, TRAINING

17. (SBU) Fernandez shared that the CSE expects to release the final electoral regulations the week of August 28, and political parties and the OAS have provided input. He added that two regulations are not yet finished and potentially raise concern: the vote challenge (impugnaciones) process, and the formula for National Assembly seat distribution among the competing parties. The OAS is pressing for simple, clear regulations on both matters, e.g., the exclusion of a soiled tally sheet as grounds for nullifying the results of a voter table (JRV). Fernandez voiced concern that IRI's party poll watcher (fiscales) training manuals are based on outdated materials (i.e., regulations, vote tabulation sheets, credentials, etc.). The Ambassador noted that IRI has pulled the old manuals and will provide updated manuals when the new regulations are finalized.

NOT TO WORRY OVER VOTER IDS FOR POSSIBLE RUNOFF

18. (SBU) Regarding our concern that Nicaraguan voters will be unable to vote in the event of a runoff (December 21 if it occurs) if the CSE retains their supplemental voting documents, or documentos supletorios, on November 5, Fernandez replied that the CSE has agreed to extend the validity of these documents to January 10, 2007. It will not take the documents from voters on November 5 as they have in past elections.

OAS REPORTING PLANS

19. (SBU) Fernandez noted the OAS preliminary report on Nicaragua's election preparations will be released in Washington on October 5. He added that its recent report on the cedula issuance process was well received by many OAS member states, including Ecuador, Chile, and Brazil.

GON AND CSE ON BOARD WITH VISIT OF "NOTABLES"

110. (C) According to Fernandez, both the GON and CSE will

invite three former presidents -- Lagos, Hurtado, and Paniagua -- to visit Nicaragua before and during the elections. The former presidents will be used to tackle sensitive political issues, such as the constitutional reforms and Ley Marco.

POST-ELECTION PRIORITY: A NEW VOTER ROLL

¶11. (SBU) Fernandez reiterated the need for the CSE to create a new voter roll (padron) starting immediately after the election and to periodically scrub the list thereafter.

ORTEGA'S EFFORTS TO MANIPULATE ELECTORAL LAW IN HIS FAVOR

¶12. (C) The Ambassador related information from senior GON officials and PLC affiliates that the FSLN will attempt to manipulate the interpretation of the Electoral Law to his advantage, specifically the stipulation that a candidate will win on the first round if he/she receives at least 40% of the vote, or at least 35% with a five-percent advantage to the closest competitor. The FSLN is starting to argue that once a candidate gets more than 35% of the vote, he/she does not need a five-percent margin of victory. While the OAS technical chief Gajardo had heard of this interpretation, Fernandez was unaware of it. Both dismissed its validity, but the OAS will pursue the matter.

WHAT DO TO ABOUT OBANDO

¶13. (C) While Fernandez concurred with the Ambassador that Cardinal Obando's opening the CSE's launching of the official election campaign period on August 18 was inappropriate, he offered no suggestions how to remedy the situation. (Comment: We have engaged the Papal Nuncio on Obando's inappropriate political role in the past and will revisit the matter with him. Obando still enjoys robust popular support and his "blessing" of Ortega's campaign may encourage some previously anti-Ortega voters to reconsider their position.)

FRAMEWORK LAW/POST ELECTION GOVERNABILITY LESS OF AN ISSUE?

¶14. (C) Fernandez opined that the Ley Marco has become "an orphan law," with neither the FSLN nor the PLC supporting it, while the emerging ALN and MRS parties remain ambivalent. He expects it will be abrogated, noting that the visiting presidents will take advantage of the candidates' desire to consolidate their democratic credentials to broach a broader issue: the need to depoliticize governmental institutions - courts, CSE, etc. (Comment: Although legal interpretations vary, the abrogation of the constitutional changes might require votes by both the 2006 and the 2007 members of the National Assembly. Ortega appears to be hedging his options. If the current Assembly repeals the constitutional changes and Ortega wins the November election, then he will press for a second vote in January to abrogate the changes. If, however, he loses the election, Ortega is likely to instruct his legislators to block the second vote so that he can continue to limit the Executive from the Assembly.)

LIBERAL DIVIDE, MRS SUPPORT ARE HOT-BUTTON POLITICAL ITEMS

¶15. (C) Fernandez shared our view that the direction the division of liberal votes among Rizo and Montealegre will take is the most significant political process to monitor. He was impressed with MRS candidate Mundo Jarquin, noting that MRS numbers have not slipped since Herty Lewites' passing. Fernandez also opined that the MRS may be pulling more votes from the independent voters than the Sandinistas. The Ambassador concurred with Fernandez that Nicaragua's socio-political culture is evolving, noting that this election could be the "caudillos' last hurrah." They also agreed that the current electricity and water shortages could

sway voters to vote for one of the emerging parties as the traditional corrupt and inefficient parties have failed in delivering services to the people. (Comment: MRS contacts assert the MRS is indeed whittling FSLN votes, arguing that many FSLN supporters are reluctant to share their views in polls out of fear that the FSLN will "threaten" them.)
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